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FEDERATION OF FLY FISHERS™

Conserving • Restoring • Educating Through Fly Fishing

Northern California Council

September 23, 1999

CalFed Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Attention of: Mr. Richard Breitenbach

Subject: Comments, Ecosystem Restoration Program Plan

Dear Mr. Breitenbach:

This is to expand on our public statements and the written materials separately submitted by Mr. Dan McDaniel, President, NCCFFF, and Mr. Rob Ferrogiaro, Conservation Vice-President. This submittal includes an introductory policy overview which is followed by separate specific comments related to the following components of your studies:

1. Environmental Document Deficiencies
2. Ecosystem Restoration Goals
3. Steelhead
4. Striped Bass
5. Watershed Program

We support the CALFED process as an essential method by which California may restore lost public trust assets while maximizing beneficial uses of its water resources. Our principal caveat is that appropriate and guaranteed water flows must be made available to assure we "optimize" our fish and wildlife resources, rather than merely "sustain" them. We agree with an approach which restores the "natural processes" which work normally in uncontrolled rivers and streams. However, from a hard headed business standpoint, this is not inconsistent with setting "optimum" numerical goals for species recovery. Such goals must be set where they are missing from the plan.

We extend our compliments on the massive compilation of technical data and water disposition alternatives presented in your agency's latest draft Ecosystem Restoration Program Plan Draft Programmatic EIS/EIR. At the same time we find inadequate solutions to real problems which require substantial responses from CALFED. The following pages summarize some of the concerns northern California sport anglers see with the latest draft.

Protection of the rights of areas of origin was a bedrock foundational concept to the public's acceptance of the California Water Plan in the late 1950's. There is a basic inconsistency inherent in matters left unsaid in CALFED's draft. If California's areas of water origin and

natural distribution are to be worth living in major improvements in our fishery and wildlife resources are required. No place in CALFED's work sets out a clear enunciation of a goal to retrieve significant parts of what was lost before moving forward. Careful consideration must be given to current water use practices of consumptive users. While food and fiber are necessary, some types of "food" and some fiber are not worth the cost in water consumption they require. Surpluses of cotton and certain tree and vine crops are examples demanding prioritization for scarce water use. Building lakes so new high value homes will enjoy water frontage is a profligate waste of water. An entire City without water meters to act as a potential cost control on use is a condition which must be changed. "Enhancement" and "improvement" surpassing post Central Valley Project fishery and wildlife conditions must be precursors to any further water resource exploitation schemes.

The CALFED Draft Programmatic EIS/EIR proposes to restore California's Central Valley's and San Francisco Bay-Delta fish and wildlife resources to "sustainable" levels. The study does not recognize nor account for the tragic damage the Central Valley project has done to the Trinity River fishery. Nor is any corrective action proffered. This oversight requires correction. As used in the report, the term "sustainable" is related to conditions extant after much of the resource damage was done, after the principal elements of the Federal Central Valley Project were installed and after major failures in Sacramento-San Joaquin fisheries had resulted. "Sustainable" ratifies what we've lost. It is not a positive concept of fairly distributing the pain of sharing the effects of California's natural water-short condition. Our fishery and wildlife resources have already suffered the losses. They should be restored to a scientifically supportable norm representative of the best man can achieve. Standards should be high to meet the recreational needs of an expanding population. They should not drop to the level of mediocrity suggested by those whose best interests would be well served if "sustainability" were the CALFED standard.

While societal needs must be met, clear priorities for consumptive uses must be established. CALFED's present documentation fails to adequately address the requirement that the resources of areas of origin will be enhanced to adequately high standards. As a result, the burden of providing adequate water for a rapidly expanding population again falls on the natural resources. We recommend that before there is any further planning for new water projects land use inventories be made in areas of consumption to determine where surplus crops are being produced, and where urban water use practices may be abusive. In the meantime, we request that the CALFED goals for fishery restoration be expanded to recognize pre-Central Valley Project conditions.

Our specific ERPP EIS/EIR comments follow.

Sincerely,

Charles P. Bucaria, Sr., Director

cc: Governor Gray Davis
Resources Agency Secretary Mary Nichols

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The environmental documents are deficient with respect to the development of alternatives. Alternatives should be developed that provide no increase/enhancement in water export and reservoir storage (while maintaining many of the ecosystem restoration, levee protection, water quality, and watershed management aspects of the preferred alternative). Alternatives should also be developed that decrease water export and reservoir storage (while maintaining many of the ecosystem restoration, levee protection, water quality, and watershed management aspects of the preferred alternative).

As was stated in the Framework Agreement, the agreement which created CALFED, and was restated in the Draft Programmatic EIS/EIR, the Program is charged with developing long-term solutions to the following (1) fish and wildlife problems in the Bay-Delta, (2) water supply reliability problems in the Bay-Delta, (3) flood control problems in the Bay-Delta, and (4) water quality problems in the Bay-Delta.

The current fish, wildlife, and water quality problems have been substantially caused by dams and export facilities. It is logical to expect that substantial fish, wildlife, and water quality benefit will be derived by strategically removing/reducing selected dams and export facilities. Likewise, it is logical to expect new/expanded dams and export facilities will continue the legacy of fish, wildlife, and water quality degradation. Conversely, it is illogical to expect that new/expanded dams and export facilities will benefit fish, wildlife, and water quality. However, all four alternatives contained in the environmental documents call for new/expanded dams and export facilities. In so doing, the environmental documents have focused on a narrowly defined set of alternatives and not even considered some basic, logical alternatives.

CEQA (California Environmental Quality Act) and NEPA (National Environmental Policy Act) mandate consideration of a reasonable breadth and scope of alternatives, but the draft EIS/EIR has failed its mandate. Without alternatives for (1) no increase/enhancement in water export and reservoir storage, and (2) significantly decreased water export and reservoir storage, the environmental documents are fatally flawed and noncompliant with CEQA and NEPA. CalFed needs to develop these alternatives (while maintaining many of the ecosystem restoration, levee protection, water quality, and watershed management aspects of the preferred alternative), revise the environmental documents accordingly, and *conduct another public comment period.*

Inclusion of the aforementioned alternatives does not mean any of them must be the preferred alternative. That is a matter for objective judgement. However, exclusion of such alternatives does mean that the EIS/EIR has failed its legal mandate.

CalFed appears to have misinterpreted it's charter. The charter calls for an increase in water supply reliability, not the quantity of water supplied. CalFed should refocus it's efforts on reliability and, in so doing, discover that new/expanded export facilities and dams are not nearly so advantageous.

2. ECOSYSTEM RESTORATION GOALS

Ecosystem restoration goals likely cannot be met unless in-stream flows are increased. CalFed needs to incorporate this likelihood into the environmental documents and its adaptive management process.

CalFed's proposed ecosystem restoration is a complex and interrelated program with a significant weak link - that being the quantity and quality of water. Very few, if any, of the proposed ecosystem actions can be considered robust and durable without control over this most important factor. Within the environmental documents, CalFed should clearly acknowledge that many of the proposed actions will fail and many of the goals will not be met unless sufficient quantities of suitable quality water are kept flowing through the ecosystem. CalFed should further acknowledge that many of the proposed restoration actions will be "sent back to square one" if even one critical period water flow and water quality requirement is not met.

If CalFed considers the environmental water account and/or water transfer program the essential links that maintain a strong chain for ecosystem restoration, CalFed should so state in the environmental documents. If CalFed considers these links essential, the environmental documents should be revised to disclose to the concerned public the magnitude and timing of the flows, along with the allocation of costs. If CalFed believes the environmental water account and/or water transfer program essential to the success of the ecosystem restoration, the environmental documents cannot be considered compliant with CEQA and NEPA until at least a modicum of detail is presented for public comment.

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3. STEELHEAD

CALFED's separate documents reflect inadequate information from which to understand its specific goal with respect to steelhead recovery in the Sacramento-San Joaquin river system. Its figures are confusing and explanations are inadequate. Different population numbers representing different approaches to the population recovery goal must be reconciled. Further, the maximum number shown in the ERPP is inadequate. The documentation is totally silent and therefore inadequate with respect to the Trinity. Changes in the draft to meet with our steelhead population recovery concerns and Trinity River needs are requested. The following partial citations provide direction to the reader.

CALFED's "Multi-Species Conservation Strategy," page no. 3-7, states as a goal:

> "Recovery to a minimum of 13,000 adult steelhead spawning upstream of the Red Bluff Diversion Dam; restore self-sustaining populations of steelhead to all streams that provide suitable habitat and historically supported steelhead populations, or could be restored to provide suitable habitat with the implementation of reasonable restoration and protection measures; and increase populations such that numbers of fish of natural origin equal or exceed the average number of fish of hatchery and natural origin from 1980-1998."

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As a baseline goal we request CALFED restore both Sacramento-San Joaquin and Trinity River steelhead to pre-project population levels. Steelhead populations have been drastically reduced in all rivers or streams effected by Central Valley Project or State Water Project water exports. The historic record of numerical counts is weak. However, oral history and the broad written record indicate steelhead abundance was vast. In order to reconcile the discrepancy of inadequate pre-project inventories with generalities found in other sources, scientific projections made by the State Department of Fish and Game steelhead biologist contributing to CALFED's draft form a reasoned basis for an acceptable population goal.

CALFED's principal goal for steelhead restoration must be to "optimize" populations, rather than assure fish counts are at "sustainable" levels. This means the restoration goal for the Sacramento-San Joaquin river system should not be the 40,000 steelhead population

estimate made by the State Department of Fish and Game based on its surveys from the early 1960's. Rather, the optimum goal should be a scientifically based number which lies between two and ten times the Chinook salmon count. This is a methodology reported by the Fish and Game biologist who provided contributory input to CALFED's reports. Thus, if there are one to two million Chinook salmon in the Sacramento-San Joaquin system there should be an optimum CALFED goal of two to ten million steelhead. Information deleted from CALFEDS final report indicated higher steelhead counts were appropriate than the low numbers cited in the draft document. A major correction is necessary.

Habitat restoration actions under CALFED to help Chinook salmon will benefit steelhead only to a minor degree. The CALFED Ecosystem Restoration Program Plan must provide the means by which steelhead may reach the head waters of river systems and streams to which they have had historic access (or where access may be made available under the habitat restoration program). In many valley rivers adequate supplies of water cool enough for summering-over steelhead juveniles are not available. These two conditions must be corrected under the ERPP:

1. Currently inadequate or unstable supplies must be replaced with adequate supplies of high quality water.

2. Water temperatures must fall within the optimum range for steelhead in all of their life stages.

In order to achieve the goals noted above, additional temperature control devices may need to be added to existing reservoirs. However, getting more steelhead to extensive and diverse headwaters not used by Chinook salmon is the appropriate action if runs are to be optimized. This is necessary because of the year around temperature sensitivity of steelhead, and so that the two species don't compete for the same limited food supply. Access to smaller feeder streams for steelhead will limit the competition to the advantage of both species. As a part of the optimization process, experiments must be funded to determine the efficacy of steelhead restoration above major reservoirs.

We applaud removal of dams on Butte Creek. Action to implement the Battle Creek plan will potentially result in expanded high quality steelhead habitat. We support rapid action on this project. Dam removal on Clear Creek has similar potential. These creative approaches to solving the problem of where can restoration take place are commendable. Englebright dam on the Yuba River presents a different problem. The dam must go, or a fail-safe method of fish passage must be found. The price may include flood control works downstream, which we support, in concept. The costs will be high and the politics difficult. Nevertheless, this represents potentially the best single option for free-flowing river restoration in California. In no event should Yuba River steelhead restoration be minimized or eliminated. We strongly support CALFED action to make this restoration take place.

On a separate front, any plan for restoration of must include funds for experiments and feasibility studies related to steelhead passage around major dams and reservoirs. Both Shasta and Oroville are candidate reservoirs for such experiments.

4. STRIPED BASS

The environmental documents contain inconsistent statements with respect to striped bass and the restoration of the striped bass fishery. The documents should be revised to consistently reflect (1) historical abundance as the restoration goal, (2) restoration without artificial reproduction (hatchery propagation and stocking), and (3) acknowledgment and mitigation of the human health effects of striped bass ingestion.

The environmental documents defer to the 1996 California Fish & Game Commission policy for restoration of the striped bass fishery (short-term abundance of 1 million bass exceeding 18-inches, long-term abundance of 3 million bass exceeding 18-inches). CalFed should recognize that this policy was formulated as a compromise regarding what was "achievable", given continued entrainment of striped bass by the Tracy and Clifton court pumping plants, continued depletion of habitat, and continued water quality problems. The restoration goal for striped bass should be historical abundance (approximately 7 to 17 million bass exceeding 18-inches). Any other goal will be arbitrary. Any lesser goal will fail to recognize the recreational importance of one of the Bay-Delta's top gamefish.

The environmental documents are inconsistent with respect to artificial spawning to support restoration of the striped bass fishery. Most of the inconsistencies appear within the Environmental Restoration Plan. In some parts of the documents artificial spawning is considered necessary to restore the fishery, in other parts of the documents artificial spawning is considered necessary for the short term, in still other parts of the documents artificial spawning is considered detrimental due to predation on priority species. The environmental documents should target restoration of the striped bass fishery without artificial spawning.

The environmental documents are inconsistent with respect to predation of striped bass on priority species. Most of the inconsistencies appear within the Environmental Restoration Plan. Some parts of the documents represent predation as a concern while other parts of the documents fail to mention predation concerns in relation to the striped bass fishery. Provided striped bass abundance is not out-of-balance with ecosystem capacity, striped bass predation on priority species will not be a significant concern. We have made numerous scientific inquiries and this is a universally-held opinion. To ensure striped bass abundance is in balance with ecosystem capacity, striped bass should be restored through natural propagation, not artificial spawning.

The environmental documents state that, because harvest rates are below 20%, harvest restrictions will not be an effective tool for striped bass recovery. This is not true. Because of striped bass fecundity, harvest restrictions, particularly for the larger females, will be an extremely effective tool for striped bass recovery. We believe that harvest restrictions represent the best way to position the striped bass fishery for recovery under CalFed's ecosystem restoration.

The environmental documents fail to note that significant historical striped bass spawning occurred in the main stem of the San Joaquin River, but that heavy diversions from the San

Joaquin and its tributaries, along with major flow changes caused by the Tracy and Clifton Court pumping plants, have decimated this natural spawning. The natural reproduction of striped bass within the San Joaquin system is currently limited by the ability of this system to produce consistent spring flows that will keep fertilized eggs in suspension for at least 72 hours. This is one more important consideration for the management of water in the south Delta.

Striped bass are currently recognized by the regulatory agencies as unhealthy to eat except in very limited quantities. The latest recommendations by the California Office of Health Hazard Assessment, for normal healthy adults, consist of 2 meals or less per month, with no fish larger than 35 inches. The recommendations are stricter for pregnant women and children. Despite these warnings, the striped bass is one of the most widely-consumed fish from the Bay-Delta. The human health hazards from striped bass consumption represent a chemical hazard that, by and large, remains unacknowledged and unaddressed by CalFed. Moreover, no mitigation strategy is proposed. Mitigation strategies could include harvest restrictions, water quality and sediment quality improvements, and public education. The environmental documents should be revised to recognize and mitigate the human health problems of chemically-tainted striped bass.

5. WATERSHED PROGRAM

We believe that the watershed program has great potential for contributing to the CALFED Bay/Delta solution. Restored watersheds and improved land use practices can improve the economies and quality of life in the upper watersheds, as well as improving California's water balance. Simple actions such as excluding cattle from river and stream riparia areas will improve water quality, reduce sediment loads, lower water temperatures for cold water species, create equivalent storage in rewetted meadows, reduce downstream flooding and improve the time value of water flows.

All water quality and quantity benefits accrued through the watershed program should be used for environmental improvement purposes throughout the system. The operative rationale is that the watershed program is funded using public revenues. Thus, the water quality and quantity benefits should flow to public trust resources.

The Watershed Program Plan discusses the need for linkages with other CALFED program elements. However, it does not provide a workable methodology to interrelate successes in the watershed with a Bay/Delta solution. The Watershed Program plan must include a system to quantify potential improvements in stream flow, water quality, sediment transport, time value of water and flood potential reduction. These interrelated components can then be modeled and incorporated into California's water budget. Reservoir operating criteria can then be modified to reflect the reality of restored watersheds, as measured by the CALFED monitoring and assessment program. This effort to link watersheds to the Bay/Delta solution should be iterative and long term.

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The environmental documents contain inconsistent statements with respect to striped bass and the restoration of the striped bass fishery. The documents should be revised to consistently reflect (1) historical abundance as the restoration goal, (2) restoration without artificial reproduction (hatchery propagation and stocking), and (3) acknowledgment and mitigation of the human health effects of striped bass ingestion.

The environmental documents defer to the 1996 California Fish & Game Commission policy for restoration of the striped bass fishery (short-term abundance of 1 million bass exceeding 18-inches, long-term abundance of 3 million bass exceeding 18-inches). CalFed should recognize that this policy was formulated as a compromise regarding what was "achievable", given continued entrainment of striped bass by the Tracy and Clifton court pumping plants, continued depletion of habitat, and continued water quality problems. The restoration goal for striped bass should be historical abundance (approximately 7 to 17 million bass exceeding 18-inches). Any other goal will be arbitrary. Any lesser goal will fail to recognize the recreational importance of one of the Bay-Delta's top gamefish.

The environmental documents are inconsistent with respect to artificial spawning to support restoration of the striped bass fishery. Most of the inconsistencies appear within the Environmental Restoration Plan. In some parts of the documents artificial spawning is considered necessary to restore the fishery, in other parts of the documents artificial spawning is considered necessary for the short term, in still other parts of the documents artificial spawning is considered detrimental due to predation on priority species. The environmental documents should target restoration of the striped bass fishery without artificial spawning.

The environmental documents are inconsistent with respect to predation of striped bass on priority species. Most of the inconsistencies appear within the Environmental Restoration Plan. Some parts of the documents represent predation as a concern while other parts of the documents fail to mention predation concerns in relation to the striped bass fishery. Provided striped bass abundance is not out-of-balance with ecosystem capacity, striped bass predation on priority species will not be a significant concern. We have made numerous scientific inquiries and this is a universally-held opinion. To ensure striped bass abundance is in balance with ecosystem capacity, striped bass should be restored through natural propagation, not artificial spawning.

The environmental documents state that, because harvest rates are below 20%, harvest restrictions will not be an effective tool for striped bass recovery. This is not true. Because of striped bass fecundity, harvest restrictions, particularly for the larger females, will be an extremely effective tool for striped bass recovery. We believe that harvest restrictions represent the best way to position the striped bass fishery for recovery under CalFed's ecosystem restoration.

The environmental documents fail to note that significant historical striped bass spawning occurred in the main stem of the San Joaquin River, but that heavy diversions from the San

Joaquin and its tributaries, along with major flow changes caused by the Tracy and Clifton Court pumping plants, have decimated this natural spawning. The natural reproduction of striped bass within the San Joaquin system is currently limited by the ability of this system to produce consistent spring flows that will keep fertilized eggs in suspension for at least 72 hours. This is one more important consideration for the management of water in the south Delta.

Striped bass are currently recognized by the regulatory agencies as unhealthy to eat except in very limited quantities. The latest recommendations by the California Office of Health Hazard Assessment, for normal healthy adults, consist of 2 meals or less per month, with no fish larger than 35 inches. The recommendations are stricter for pregnant women and children. Despite these warnings, the striped bass is one of the most widely-consumed fish from the Bay-Delta. The human health hazards from striped bass consumption represent a chemical hazard that, by and large, remains unacknowledged and unaddressed by CalFed. Moreover, no mitigation strategy is proposed. Mitigation strategies could include harvest restrictions, water quality and sediment quality improvements, and public education. The environmental documents should be revised to recognize and mitigate the human health problems of chemically-tainted striped bass.

5. WATERSHED PROGRAM

We believe that the watershed program has great potential for contributing to the CALFED Bay/Delta solution. Restored watersheds and improved land use practices can improve the economies and quality of life in the upper watersheds, as well as improving California's water balance. Simple actions such as excluding cattle from river and stream riparia areas will improve water quality, reduce sediment loads, lower water temperatures for cold water species, create equivalent storage in rewetted meadows, reduce downstream flooding and improve the time value of water flows.

All water quality and quantity benefits accrued through the watershed program should be used for environmental improvement purposes throughout the system. The operative rationale is that the watershed program is funded using public revenues. Thus, the water quality and quantity benefits should flow to public trust resources.

The Watershed Program Plan discusses the need for linkages with other CALFED program elements. However, it does not provide a workable methodology to interrelate successes in the watershed with a Bay/Delta solution. The Watershed Program plan must include a system to quantify potential improvements in stream flow, water quality, sediment transport, time value of water and flood potential reduction. These interrelated components can then be modeled and incorporated into California's water budget. Reservoir operating criteria can then be modified to reflect the reality of restored watersheds, as measured by the CALFED monitoring and assessment program. This effort to link watersheds to the Bay/Delta solution should be iterative and long term.